

### **REMARKS**

Claims 1-17 are currently pending, wherein claims 2-15 have been withdrawn from consideration. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

In paragraph 2 of the final Office action (“Action”), the Examiner rejects claims 1, 16, and 17 under 35 U.S.C. 112, second paragraph, as being indefinite. More specifically, the Examiner asserts that it is unclear “whether or not the rear speakers and the headphone are receiving a separate signal.” Applicants respectfully traverse this rejection.

In rejecting claim 1, the Examiner asserts that claim 1 is “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention” because “[t]he examiner is unclear as to whether or not the rear speakers and the headphone are receiving a separate signal.” However, it is unclear to Applicants what the Examiner is interpreting the term “signal” to mean. Claim 1, as rejected by the Examiner, recited “a first signal attenuator for abruptly attenuating an input signal to said headphone *independently* of an input signal provided to the rear-seat speaker, in response to said first control signal such that a volume in said headphone is zero.” Accordingly, one skilled in the art would readily appreciate that the scope of the claim covers an attenuator for muting the headphones without disrupting the rear-speakers. Therefore, if the Examiner is interpreting the term “signal” to mean the physical signal provided to the headphone versus the physical signal provided to the rear-speaker it is inherent that in order to independently attenuate one from the other that they are separate signals. However, if the Examiner is equating the term “signal” to refer to the content of the signal, then it is irrelevant whether they are the same or different signals because the scope of the claims covers both. What is germane to the claimed invention is that the headphone signal (whatever its content) can be attenuated without affecting (i.e., independently) the strength of the signal provided to the rear-speakers.

Nevertheless, Applicants have amended independent claim 1 to even more clearly define that the signal provided to the headphone is separate and different from the input signal provided to the rear-seat speaker, thereby addressing the Examiner’s concerns.

Claims 16 and 17 appear to have been rejected because of their dependency from claim 1. Accordingly, claims 16 and 17 are definite for at least those reasons presented above with respect to claim 1. Reconsideration and withdrawal of the rejection of claims 1, 16, and 17 under 35 U.S.C. 112, second paragraph is respectfully requested.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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